IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Income Tax Application No. 343 of 1999
The Commissioner of Income-Tax, Mumbai .. Applicant
V/s.
Jayant Kumar D. Rahi, Mumbai .. Respondent

Mr. G. Hariharan for the Applicant
None present for the Respondent

CORAM : S. RADHAKRISHNAN &
J.H. BHATIA, JJ.
DATED : 04.07.2005.

P.C.:-

1. Heard the learned counsel for the Applicant. By the above Application, the Applicant is seeking to raise the following question of law:-

> Whether on facts and in the circumstances of the case, the learned I.T.A.T. was justified in deleting the penalty in respect of unexplained jewellery on the strength that the original addition has been deleted by the I.T.A.T., whereas the fact is that the Reference Application has been filed by the addition on account of Jewellery?

2. We have perused the order of the Income Tax Appellate Tribunal dated 29.8.1999, wherein paragraph 3 reads as under:-

> "3. The Commissioner of Income-tax had confirmed the levy. When the matter came up before the Tribunal it was pointed out that but for the addition of Rs. 7,825/-, all other additions had been deleted by the Tribunal vide order dated 29th October, 1997 in I.T.A. No. 7298/Bom/1995. Considering the fact that major additions in this case had been deleted by the Tribunal, it was held that penalty in respect of small amount of Rs. 7,825/- will not be justified."

3. Under the aforesaid facts and circumstances, we do not find any substantial question of law involved in the above. Application stands dismissed.

(S. RADHAKRISHNAN, J.)

(J.H. BHATIA, J.)